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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,459	10/27/2003	Dario Augugliaro	16576	2493

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TOLEDO, OH 43604-1619

EXAMINER
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PICO, ERIC E

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/694,459

**Applicant(s)**

AUGUGLIARO, DARIO

**Examiner**

Eric Pico

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: The beams must extend from the first crossbar to the third cross bar, not to the second crossbar as stated on Page 14, Lines 18 and 19, so that a lower left-hand one of the grids and a lower right-hand one of the grids are open at a respective left-hand side and right-hand side. The office will examine claim 2 with each outermost one of the beams extending only from the first crossbar to the third crossbar. Appropriate correction is required.
2. Claim 3 is objected to because of the following informalities: Claim 3 should read "The elevator counterweight according to claim 2" due to lack of antecedent basis for the limitation in the claim. The office will examine claim 3 with the stated correction. Appropriate correction is required.
3. Claim 15 is objected to because of the following informalities: The statement "a least one" stated on Page 16, Line 14 is improper grammar. The office will examine claim 15 with the recommended correction "at least one". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi (U.S. Patent# 5300737). Nakanishi discloses an elevator counterweight 15 for connection to an elevator car 1 by flexible support means 4a, 4b, 4c and movable along counterweight guide rails 21, 22. A counterweight frame 14 adapted to be connected to the flexible support means 4a, 4b, 4c and moved along the counterweight guide rails 21, 22. A plurality of weight elements 16, 17 fixed in the frame 14. Upper and lower guide shoes 23, 24, 32a, 32b, (not numbered but shown in Figure 2) attached to the frame 14 and adapted to engage the counterweight guide rails 21 and 22. The frame 14 including at least four vertical beams 14c, 25, (not numbered but shown in Figure 2) spaced over a width of said frame and at least three horizontal crossbars 14a, 14b, 26 attached to said vertical beams 14c, 25, (not numbered but shown in Figure 2). The beams 14c, 25, (not numbered but shown in Figure 2) and the crossbars 14a, 14b, 26 forming a plurality of grid fields with the weight elements 16, 17 being fixed in at least one of the grid fields.
6. Regarding claim 2, Nakanishi further discloses a first one of the crossbars 14a terminates the frame 14 at a top. A second one of the crossbars 26 terminates the frame 14 at a bottom. A third one of the crossbars 14b is arranged between the first and second crossbars 14a and 26. Each outermost one of the beams 14c, 25, (not numbered but shown in Figure 2) extending only from the first crossbar 14a to the third crossbar 14b so that a lower left-hand one of the grids and a lower right-hand one of the grids are open at a respective left-hand side and right-hand side. The lower guide shoes 32a, 32b being mounted in the lower left-hand grid and the lower right-hand grid.

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7. Regarding claim 4, Nakanishi further discloses the beams 14c, 25, (not numbered but shown in Figure 2) and the crossbars 14a, 14b, 26 are arranged in a common plane.

8. Regarding claim 7, Nakanishi further discloses the lower guide shoes 32a, 32b are attached to an upper surface of a lowermost one of the crossbars 26.

9. Regarding claim 8, Nakanishi further discloses safety brake devices 30 attached to a lower surface of an intermediate one of the crossbars 14b.

10. Regarding claim 9, Nakanishi further discloses the beams 14c, (not numbered but shown in Figure 2) prevent horizontal movement of the weight elements 16, 17 in the grids.

11. Regarding claim 10, Nakanishi further discloses the weight elements are formed as rectangular blocks.

12. Regarding claim 15, Nakanishi further discloses an elevator counterweight 15 for use in an elevator installation. A counterweight frame 14 including a first plurality of vertical beams 14c, 25, (not numbered but shown in Figure 2) spaced over a width of the frame 14 and a second plurality of horizontal crossbars 14a, 14b, 26 attached to the vertical beams 14c, 25, (not numbered but shown in Figure 2). The beams 14c, 25, (not numbered but shown in Figure 2) and the crossbars 14a, 14b, 26 forming a plurality of grid fields including a lower right-hand grid open at a right side and a lower left-hand grid open at a left side. At least one weight element 16, 17 fixed in one of the grids other than the lower right-hand grid and the lower left-hand grid. A pair of lower guide shoes 32a, 32b, (not numbered but shown in Figure 2) attached to the frame 14 and adapted

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to engage the counterweight guide rails 21,22. One of the guides shoes 32a, 32b being positioned in the lower right-hand grid and another of the guides shoes 32a, 32b being positioned in the lower left-hand grid.

13. Regarding claim 16, Nakanishi further discloses the lower guide shoes 32a, 32b are attached to an upper surface of a lowermost one of the crossbars 26.

14. Regarding claim 17, Nakanishi further discloses safety brake devices 29, 30 positioned in the lower right-hand grid and the lower left-hand grid and are attached to a lower surface of an intermediate one of the crossbars 14b.

15. Regarding claim 18, Nakanishi further discloses the beams and the crossbars are arranged in a common plane.

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (U.S. Patent# 5300737) in view of Gruber et al. (U.S. Patent# 6105798).

Nakanishi discloses an elevator counterweight 15 but is silent concerning beams that penetrate crossbars and are connected with the crossbars at penetration locations.

18. Regarding claim 3, Gruber et al. teaches a crossbar 30 is fastened to beams 26 and 28 in a selected one of two vertically spaced positions to determine a height. It would

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have been obvious to one of the ordinary skill in the art at the time of the invention to fasten the third crossbar to the beams disclosed by Nakanishi in a selected one of two vertically spaced positions to determine a height of the lower left-hand grid and lower right-hand grid taught by Gruber et al. to fit desired components within the lower left-hand grid and lower right-hand grid.

19. Regarding claim 5, Gruber et al. further teaches beams 26 and 28 that penetrate crossbars 30 and are connected with the crossbars 30 at penetration locations. It would have been obvious to one of the ordinary skill in the art at the time of the invention to make the beams taught by Nakanishi penetrate crossbars and connect with the crossbars at penetration locations taught by Gruber et al. to evenly distribute the load onto the crossbars

20. Claims 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (U.S. Patent# 5300737) in view of Gagnon et al. (U.S. Patent# 5086881). Nakanishi discloses an elevator counterweight 15. Regarding claim 14, Nakanishi further discloses an uppermost crossbar 14a having a center horizontal welding plate 19 for fastening support means 4a, 4b, 4c. Nakanishi is silent concerning U-shaped cross section beams spaced to define a first and second width of a grid field.

21. In regards to claim 6, Gagnon et al. teaches beams 48 formed with profile members having a U-shaped cross-section. It would have been obvious to one of the ordinary skill in the art at the time of the invention to manufacture the beams disclosed by Nakanishi with a U-shaped cross-section taught by Gagnon et al. to securely fix weight elements between the beams.

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22. In regards to claim 11, Gagnon et al. further teaches beams spaced to define a first width for a first portion of grid fields and a second width different from the first width for at least a second portion of the grid fields shown in Figures 1, 2, and 3. It would have been obvious to one of the ordinary skill in the art at the time of the invention to have beams disclosed by Nakanishi spaced to define a first and second width of a grid field taught by Gagnon et al. to provide a diverse size of grids to accommodate various sized components.

#### ***Allowable Subject Matter***

23. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown (U.S. Patent# 1509803), Kautz (U.S. Patent# 2326783), Ito et al. (U.S. Patent# 5625174), and Miyakoshi et al. (U.S. Patent Application Publication# 2003/0168290).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

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